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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Class Discrimination in the Execution of Civil Judgments

The judge who executes civil judgments is considered to be a court by himself with his specified jurisdiction in the law, which is to take executive action that secures the execution of the civil judgment and its supervision until full execution. To achieve that he is authorized to place attachments on the accounts and properties of judgment debtors and even to order their imprisonment if necessary in order to guarantee the rights of those concerned. When the law granted the execution judge these sweeping powers, it aimed to secure and protect the interests of the judgment creditors equally without any discrimination. The judge must direct his authority towards this aim and not to misuse it.

Among the most significant examples of the misuse of this authority, is the normal practice in Bahraini execution courts, where the judge does not use his powers and authorities against a certain class of people, namely members of the ruling family in the Kingdom of Bahrain. He refrains from issuing arrest warrants, travel ban orders and attachments for any person who is a member of this family even if his debts were millions of Dinars, and even if he was rich, has money and full bank accounts. All this happens under the excuse of there being a special and exceptional system applicable to the judgment debtors from the ruling family. The only action taken concerning them is to send a letter to the ruling family council stating the necessity of paying the judgment debtor's indebtedness.

In fact, this is not an effective action, and is nothing but a reminder or a caution to the judgment debtor of there being a civil judicial judgment against him, and nothing more. This is a mean to hold the ruling family member immune against court procedures applicable to all member of the society.

Exempting the ruling family members from executive action has caused a great deal of harm and inflicted heavy losses on a large number of judgment creditors in civil lawsuits, where the judgments issued in their favour are nothing but meaningless pieces of paper, impossible to execute, simply because the adversary is a member of the ruling family in Bahrain. This exceptional system has allowed members of the ruling family to become rich and at the same time be immune against any accountability and judicial control.

This is only one aspect of class discrimination which has been legitimized in Bahrain judiciary system, and there are many other aspects that cannot be addressed at present. We found it necessary to raise this issue due to the losses we have suffered as lawyers together with our clients as a result of impossibility of executing the civil judgment that is issued against any member of the ruling family.